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In re Application of
HESS, et al
U.S. Application No.: 10/575,657
PCT No.: PCT/EP04/52230
Int. Filing Date: 17 September 2004
Priority Date: 11 November 2003
Attorney's Docket No.: 10191/4314
For: METHOD FOR PROVIDING INFORMATION
FOR PARALLEL PARKING OF A VEHICLE

COMMUNICATION

This communication is in response to applicant's response, including combined declaration and power of attorney filed 31 August 2006.

BACKGROUND

On 17 September 2004, applicant filed international application PCT/EP04/52230, which claimed priority of an earlier application filed 11 November 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 26 May 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 11 May 2006.

On 14 April 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a translation of the international application into English and a First preliminary amendment.

On 11 August 2006, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International Application number and international filing date. Applicant was further advised of the need to provide payment of the surcharge for providing an executed oath or declaration of the inventors later than thirty months from the priority date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 31 August 2006, applicant filed the response, including a combined declaration and power of attorney, discussed herein.

COMMUNICATION

The combined declaration and power of attorney filed on 31 August 2006 does not comply with 37 CFR 1.497 (a)-(b). Specifically, the third listed inventor is listed and executed as "Joline Belfroid" whereas the International Application lists the third inventor as "Joline Belfroid-Van Der Put." Applicant must provide either a declaration executed with the name which appears on the international application, "Joline Belfroid-Van Der Put" and an explanation as to why inventor signed a declaration with an incorrect name or in the alternative, a petition under 37 CFR 1.182 requesting that applicant's name be changed to "Joline Belfroid." In order to be granted, the petition under 37 CFR 1.182 must include an affidavit signed by the inventor with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order as well as the \$400.00 petition fee. See MPEP 605.04(c). In the alternative, applicant may also provide a showing that a change was effected under PCT Rule 92bis during the international stage; i.e. presentation of a form PCT/IB/306.

CONCLUSION

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for the preparation and mailing of a "Notification of Defective Response" (Form PCT/DO/EO/916).



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